

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
2009 DEC-1 PM 4:18

UNITED STATES OF AMERICA)
)
v.)
)
THOMAS F. JENKINS, a/k/a Tom)
Tom,)
)
Defendant.)
)

m. Davis
M. Davis
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GA.

O R D E R

Before the Court is Defendant Thomas F. Jenkins's Motion for Leave to Appeal In Forma Pauperis. (Doc. 558.) Defendant is appealing this Court's dismissal of his Motion for Reconsideration. (Doc. 552.) Pursuant to 28 U.S.C. § 1915(a)(1), this Court may allow Defendant to proceed on appeal without prepayment of fees if he submits an affidavit that includes a statement of all his assets and shows that he is unable to pay such fees or give security therefor. However, "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3); see Fed. R. App. P. 24(a)(3)(A).

Defendant's Motion for Reconsideration was dismissed because Defendant already appealed the denial of his Motion to Reduce Sentence, divesting this Court of jurisdiction. Based on the clear inapplicability of this Court to

entertain the Motion for Reconsideration, the Court finds Defendant's appeal to be frivolous and not taken in good faith. Accordingly, the Court **DENIES** Defendant's Motion for Leave to Appeal In Forma Pauperis.

SO ORDERED this 1st day of December, 2009.



WILLIAM T. MOORE, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA